

STATE OF NEW YORK
COUNTY COURT :: BROOME COUNTY

THE PEOPLE OF THE STATE OF NEW YORK

I N D I C T M E N T

-vs-

(Felony Pleading No.19-151)

DANIEL T. BUTASH,

2019 BROOME COUNTY TERM IV

Defendant.

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of ASSAULT IN THE FIRST DEGREE, in violation of Section 120.10, Subdivision 3, of the Penal Law of the State of New York, a Class B Felony, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct which created a grave risk of death to another person, and did thereby cause serious physical injury to another person, to wit: at the aforementioned time and place, said defendant under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct which created a grave risk of death to Kristy Botsford, and did thereby cause serious physical injury to Kristy Botsford, all contrary to the provisions of the statute in such case made and provided.

SECOND COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of AGGRAVATED VEHICULAR ASSAULT, in violation of Section 120.04-a, Subdivision 1, of the Penal Law of the State of New York, a Class C Felony, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, did commit the crime of Vehicular Assault in the Second Degree as defined in Section 120.03 of the Vehicle and Traffic Law, and committed such crime while engaging in Reckless Driving as defined in Section 1212 of the Vehicle and Traffic Law, and while operating a motor vehicle while he had .18% of one per centum or more by weight of alcohol in his blood as shown by chemical analysis of such person's blood, breath, urine or saliva made pursuant to the provisions of section eleven hundred ninety-four of the Vehicle and Traffic Law, to wit: at the aforementioned time and place, said defendant did operate a 2018 Tesla motor vehicle on State Route 17, a public highway in said Town, County and State, in a manner which unreasonably interfered with the free and proper use of the public highway and/or unreasonably endangered users of the public highway and did so while having .18 of one per centum or more by weight of alcohol in his blood, as shown by chemical analysis of his blood, and that as a result of such intoxication did operate said motor vehicle in a manner that caused serious physical injury to Kristy Bostford, all contrary to the provisions of the statute in such case made and provided.

THIRD COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of VEHICULAR ASSAULT IN THE FIRST DEGREE, in violation of Section 120.04, Subdivision 1, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, did cause serious physical injury to another person by operation of a motor vehicle in violation of section 1192 of the Vehicle and Traffic Law, while having .18% of one per centum or more by weight of alcohol in his blood, to wit: at the aforementioned time and place, said defendant did operate a 2018 Tesla motor vehicle on State Route 17, a public highway, in said Town, County and State while said defendant had .25 of one per centum or more by weight of alcohol in his blood, as shown by chemical analysis of his blood, and as a result of such intoxication did operate said motor vehicle in a manner that caused serious physical injury to Kristy Botsford, all contrary to the provisions of the statute in such case made and provided.

FOURTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of ASSAULT IN THE SECOND DEGREE, in violation of Section 120.05, Subdivision 4, of the Penal Law of the State of New York, a Class D Felony, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, did recklessly cause serious physical injury to another person by means of a deadly weapon or a dangerous instrument, to wit: at the aforementioned time and place, said defendant did recklessly cause serious physical injury to Kristy Botsford, by means of a dangerous instrument, 2018 Tesla motor vehicle, all contrary to the provisions of the statute in such case made and provided.

FIFTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of RECKLESS ENDANGERMENT IN THE FIRST DEGREE, in violation of Section 120.25 of the Penal Law of the State of New York, a Class D Felony, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct which created a grave risk of death to another person, to wit: at the aforementioned time and place, said defendant under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct which created a grave risk of death to other persons by, taking off at a high rate of speed traveling East in the Westbound lanes of State Route 17, after previously being pulled over by police officers for traveling East in the Westbound lanes of State Route 17, passing responding patrol cars, traveling West with lights and sirens activated, and driving head on into a marked Broome County Sheriff's Deputy's patrol vehicle, all contrary to the provisions of the statute in such case made and provided.

SIXTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of VEHICULAR ASSAULT IN THE SECOND DEGREE, in violation of Section 120.03, Subdivision 1, of the Penal Law of the State of New York, a Class E Felony, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, did cause serious physical injury to another person by operation of a motor vehicle in violation of subdivision two, three or four of section eleven hundred ninety-two of the Vehicle and Traffic Law, to wit: at the aforementioned time and place, said defendant, did operate a 2018 Tesla motor vehicle on State Route 17, a public highway in said Town, County and State, while in violation of subdivision three of section eleven hundred ninety-two of the Vehicle and Traffic Law, and as a result of such intoxication did operate said motor vehicle in a manner that caused serious physical injury to Kristy Botsford, all contrary to the provisions of the statute in such case made and provided.

SEVENTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of VEHICULAR ASSAULT IN THE SECOND DEGREE, in violation of Section 120.03, Subdivision 1, of the Penal Law of the State of New York, a Class E Felony, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, did cause serious physical injury to another person by operation of a motor vehicle in violation of subdivision two, three or four of section eleven hundred ninety-two of the Vehicle and Traffic Law, to wit: at the aforementioned time and place, said defendant, did operate a 2018 Tesla motor vehicle on State Route 17, a public highway in said Town, County and State, while in violation of subdivision two of section eleven hundred ninety-two of the Vehicle and Traffic Law, and as a result of such intoxication did operate said motor vehicle in a manner that caused serious physical injury to Kristy Botsford, all contrary to the provisions of the statute in such case made and provided.

EIGHTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of DRIVING WHILE INTOXICATED, in violation of Section 1192, Subdivision 3, of the Vehicle and Traffic Law of the State of New York, an Unclassified Misdemeanor, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, did operate a motor vehicle while in an intoxicated condition, to wit: at the aforementioned time and place, said defendant did operate a 2018 Tesla motor vehicle on State Route 17, a public highway, in said Town, County and State, while the said defendant was in an intoxicated condition, all contrary to the provisions of the statute in such case made and provided.

NINTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of DRIVING A MOTOR VEHICLE WITH .08 OF ONE PER CENTUM OR MORE BY WEIGHT OF ALCOHOL IN HIS BLOOD, in violation of Section 1192, Subdivision 2, of the Vehicle and Traffic Law of the State of New York, an Unclassified Misdemeanor, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, did operate a motor vehicle in violation of Section 1192 of the Vehicle and Traffic Law, while having .08 of one per centum or more by weight of alcohol in his blood, to wit: at the aforementioned time and place, said defendant did operate a 2018 Tesla motor vehicle on State Route 17, a public highway, in said Town, County and State, while the said defendant had .25 of one per centum by weight of alcohol in his blood as shown by chemical analysis of his blood, made pursuant to the provisions of Section 1194 of the Vehicle and Traffic Law of the State of New York, all contrary to the provisions of the statute in such case made and provided.

TENTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuse the above defendant, DANIEL T. BUTASH, of the crime of AGGRAVATED DRIVING WHILE INTOXICATED, in violation of Section 1192, Subdivision 2-a(a), of the Vehicle and Traffic Law of the State of New York, an Unclassified Misdemeanor, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, did operate a motor vehicle while in violation of Section 1192 of the Vehicle and Traffic Law, while having .18 of one per centum or more by weight of alcohol in his blood, to wit: at the aforementioned time and place, said defendant, did operate a 2018 Tesla motor vehicle on State Route 17, a public highway, in said Town, County and State, while the said defendant had .25 of one per centum by weight of alcohol in his blood as shown by chemical analysis of his blood, made pursuant to the provisions of Section 1194 of the Vehicle and Traffic Law of the State of New York, all contrary to the provisions of the statute in such case made and provided.

ELEVENTH COUNT

THE GRAND JURY OF THE COUNTY OF BROOME, by this Indictment, accuses the above defendant, DANIEL T. BUTASH, of the crime of RECKLESS DRIVING, in violation of Section 1212 of the Vehicle and Traffic Law of the State of New York, an Unclassified Misdemeanor, committed as follows:

That the said defendant, DANIEL T. BUTASH, in the Town of Vestal, County of Broome and State of New York, at approximately 1:43AM on or about the 1st day of February, 2019, operated a motor vehicle in a manner which unreasonably interfered with the free and proper use of the public highway or unreasonably endangered users of the public highway, to wit: at the aforementioned time and place, said defendant did operate a 2018 Tesla motor vehicle on State Route 17, a public highway, in said Town, County and State, and at that time did drive in a manner which unreasonably interfered with the free and proper use of the public highway and/or unreasonably endangered users of the public highway, all contrary to the provisions of the statute in such case made and provided.

Dated: April 15, 2019



Foreperson

s/Stephen K. Cornwell, Jr.

District Attorney for Broome County